

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SAMPSON COX,

Plaintiff,

-against-

CHIEF DOCTOR JOHN MORLEY, *et al.*,

Defendants.

20-CV-7381 (NSR)

ORDER DENYING REQUEST FOR PRO
BONO COUNSEL

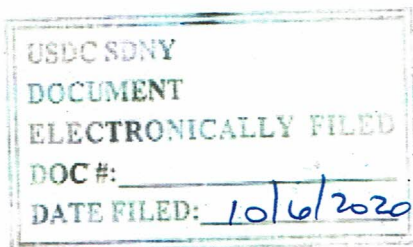
NELSON S. ROMÁN, United States District Judge:

Plaintiff Sampson Cox, who is currently incarcerated at Great Meadow Correctional Facility, is proceeding *pro se* and *in forma pauperis*. He filed this complaint on September 9, 2020, alleging that he is being denied adequate medical treatment. On October 5, 2020, Plaintiff filed a motion for *pro bono* counsel.

The factors to be considered in ruling on an indigent litigant's request for counsel include the merits of the case, Plaintiff's efforts to obtain a lawyer, and Plaintiff's ability to gather the facts and present the case if unassisted by counsel. *See Cooper v. A. Sargenti Co.*, 877 F.2d 170, 172 (2d Cir. 1989); *Hodge v. Police Officers*, 802 F.2d 58, 60-62 (2d Cir. 1986). Of these, the merits are "[t]he factor which command[s] the most attention." *Cooper*, 877 F.2d at 172. Because it is too early in the proceedings for the Court to assess the merits of the action, Plaintiff's motion for counsel is denied without prejudice to renewal at a later date.

CONCLUSION

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket. The motion for *pro bono* counsel is denied without prejudice, and the Clerk of Court is directed to terminate it. (ECF No. 14.)



The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: October 6, 2020
White Plains, New York

A handwritten signature in black ink, appearing to read 'N. S. Román', is written over a horizontal line.

NELSON S. ROMÁN
United States District Judge